

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, et al.,

Defendants.

No. 2:20-cv-0111-RAJ

**FEDERAL DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

**EXHIBIT 10**

19 Fed. Reg. 7403 (Nov. 17, 1954)

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
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OF THE UNITED STATES  
1934

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Washington, Wednesday, November 17, 1954

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

#### PART 414—FEES FOR COPYING, CERTIFICATION AND SEARCH OF RECORDS

##### COPYING AND SEARCH OF RECORDS; ACCEPTABLE REMITTANCE

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act of 1952, and Bureau of the Budget Circular No. A-28, dated January 23, 1954, Part 414 of the Regulations of the Administrator is amended as follows:

1. Amend § 414.2 (a) by adding the following fees for services performed by the Civil Aeronautics Administration:

Report of Medical Examinations—\$1.00 per page.

2. Amend § 414.4 to read as follows:

§ 414.4 *Acceptable remittance.* Checks, drafts, or postal money orders made payable to the Treasurer of the United States are acceptable as payment for the fees listed in this part.

This amendment shall become effective November 15, 1954.

(56 Stat. 1067, 65 Stat. 290; 5 U. S. C. 606, 140)

[SEAL]

F. B. LEE,

*Administrator of Civil Aeronautics.*

[F. R. Doc. 54-9023; Filed, Nov. 16, 1954; 8:46 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.234]

#### PART 74—UNITED STATES MUNITIONS LIST; ENUMERATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR SUBJECT TO IMPORT AND EXPORT CONTROLS

##### COMPONENTS, PARTS, ACCESSORIES AND RELATED ITEMS

*Authority.* Section 414 of the Mutual Security Act of 1954 (Pub. Law 665, 83d Congress, 2d Session; 68 Stat. 848) approved August 26, 1954 is the legal authority for the designation of a list of those articles which shall be considered arms, ammunition and implements of

war, including technical data related thereto. By section 103 (b) of Executive Order No. 10575 issued November 6, 1954, the President delegated to the Secretary of State the functions conferred upon him by section 414 of the act.

The designation herein of articles as arms, ammunition, and implements of war supersedes the designation of those articles in Presidential Proclamation 3038 (18 F. R. 7505) by reason of the delegation of authority referred to above.

§ 74.1 *Components, parts, accessories and related items.* Section 75.2 of this chapter issued by the Secretary of State, wherein are designated components, parts, attachments, accessories and related items, supplements this list.

##### CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

##### CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

##### CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

##### CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, and incendiary bombs.

(b) Apparatus and devices for the handling, control activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

(c) Fuel thickeners usable in bombs.

##### CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking and infrared and other nightsighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated herein.

##### CATEGORY VI—TANKS AND ORDNANCE VEHICLES

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ous vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, gun carriers, and automotive vehicles or chassis embodying all-wheel drive and equipped with one or both of the following features to meet special military requirements: adaptation features for deep water fording and sealed electrical systems.

## CATEGORY VII—CHEMICAL AND BIOLOGICAL AGENTS

(a) Chemical or biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

## CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

## CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine and torpedo nets.

## CATEGORY X—AIRCRAFT

Aircraft and airborne equipment, balloons in excess of 3,000 cubic feet capacity.

## CATEGORY XI—MISCELLANEOUS ARTICLES

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic countermeasure and jamming equipment; underwater sound equipment; military communications-electronics equipment bearing a military designation; electronic navigational aids specially designed for military use such as radio di-

rection finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems, such as Raydist, Loran, Decca, and all other electronics equipment specially designed for military use.

(b) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, parachutes utilized for personnel, cargo, deceleration purposes, and aircraft liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment.

(h) Tear gas and equipment for dissemination thereof.

(i) Helium gas.

(j) Cryptographic devices (encoding and decoding).

(k) Landing mats.

## CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

## CATEGORY XIII—TECHNICAL DATA

Technical data relating to the articles here designated as arms, ammunition, and implements of war except unclassified technical data generally available in published form.

(Sec. 414, 68 Stat. 848, sec. 103, E. O. 10575, 19 F. R. 7251)

Dated: November 10, 1954.

For the Secretary of State.

SCOTT McLEOD,  
Administrator, Bureau of In-  
spection, Security and Con-  
sular Affairs.

[F. R. Doc. 54-9031; Filed, Nov. 16, 1954;  
8:48 a. m.]

[Dept. Reg. 108.235]

## PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

## MISCELLANEOUS AMENDMENTS

The regulations governing the international traffic in arms, ammunition, and implements of war issued on November 25, 1953, are amended as follows:

1. The paragraph entitled "Authority" is amended to read as follows:

*Authority.* Section 414 of the Mutual Security Act of 1954 (Pub. Law 665, 83d Congress, 2d Session: 68 Stat. 848) approved August 26, 1954, is the legal authority to control the exportation and importation of munitions and to designate those articles which shall be considered arms, ammunition and implements of war, including technical data related thereto. By section 103 (b) of Executive Order No. 10575 issued November 6, 1954, the President delegated to the Secretary of State the functions conferred upon him by section 414 of the act.

2. In § 75.1 *General*, paragraph (a) is amended to read as follows:

(a) The term "proclamation" shall mean Presidential Proclamation 3038 (18 F. R. 7505) of the United States Munitions List (Part 74 of this chapter) which superseded that proclamation and was issued pursuant to the provisions of section 414 of the Mutual Security Act of 1954 entitled "Munitions Control."

3. A paragraph (c) is added to § 75.1 as follows:

(c) The functions conferred by section 414 of the Mutual Security Act of 1954 are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by section 3 thereof.

4. In § 75.2, the section heading, introductory paragraph and material under Category I are amended to read as follows:

§ 75.2 *Components, parts, accessories and attachments subject to section 414 of the Mutual Security Act.* The following components, parts, accessories, and attachments and related items for each of the articles enumerated in the United States Munitions List and arranged under categories and titles corresponding to those in the United States Munitions List shall be considered arms, ammunition, and implements of war for the purpose of section 414 of the Mutual Security Act of 1954.

CATEGORY 1: *Small arms and machine guns.* Components and parts and the following accessories and attachments: bayonets, slings, straps, gun mounts, belts, links and magazines for such arms.

5. Section 75.7 (a) is amended to read as follows:

(a) *All combatant vessels and craft, including the following:* Battleships (BB); command ships (CBC, CLC); cruisers (CA, CAG, CB, CL, CLAA, CLG); aircraft carriers, (CVA, CVL, CVE); destroyers (DD, DL, DDE, DDR); submarines (SS, SSN, SSG, SSK, SSR, SST, ASSA, ASSP). Amphibious force flag ship (ACC); cargo ship attack (AKA); transports (APA, APD); fire support ship (IFS); landing ships (LSFF, LSTL, LSSL, LSD, LSM, LSMR, LST, LSV); landing craft (LOC, LCI, LCM, LCP, LCP-G, LCB-S, LCV, LCVP, LVT-A, LCT-A, LVT); landing vessels (LVW, DUKV, LCU); mine vessels (ACM, AM, AMC, AMCU, AMS, CM, CMC, DM, DMS, MSB, XMAP, YMP, YMS, YNG); patrol vessels (PY, YP); motor torpedo boat (PT); escort vessels (DE, DEC, DER, PCE, PCER, PCEC); subchasers (PCC, PCSC, SCC, SC, PC, PCS); frigate (PF); motor gun boats (PGM, PR).

6. Section 75.12 is amended to read as follows:

§ 75.12 *Production for experimental or scientific purposes.* The fabrication of arms, ammunition and implements of war for experimental or scientific purposes including research and development is not considered as manufacture for the purposes of section 414 of the Mutual Security Act of 1954.